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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Afghanistan

1. At its 29th meeting, on 25 February 2011, the Working Group on Children and Armed Conflict examined the second report of the Secretary-General on children and armed conflict in Afghanistan (S/2011/55), covering the period from 1 September 2008 to 30 August 2010, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. A representative of Afghanistan to the United Nations participated in the subsequent discussion.

2. The members of the Working Group welcomed the report of the Secretary-General, in accordance with Security Council resolutions 1612 (2005) and 1882 (2009), and the analysis and recommendations contained therein met with a generally favourable response.

3. They welcomed the visit to Afghanistan on 30 January 2011 of the Special Representative for Children and Armed Conflict to witness the signing of the Action Plan by the Government of Afghanistan and the country task force on monitoring and reporting regarding children associated with national security forces in Afghanistan and its annexes on sexual violence against children and the killing and maiming of children in violation of applicable international law.

4. The members of the Working Group expressed appreciation for the commitment of the Government of Afghanistan to promote the protection of children and in particular welcomed the signing of the Action Plan.

5. They emphasized the need for all actors to ensure full respect for the rules of international humanitarian law, in particular the prohibition of the indiscriminate and excessive use of force.

6. The members of the Working Group expressed grave concern about the persistence of widespread violations and abuses committed against children in the context of armed conflict in Afghanistan. They strongly condemned the training and use of children to commit terrorist attacks, especially suicide attacks, as well as the use of children as human shields, by non-State armed groups, in particular the Taliban.

7. Grave concern was also expressed about the increasing number of attacks on schools, especially those targeting girl students, and on hospitals by non-State armed groups, in particular the Taliban.

8. Concern was expressed about the situation of children detained by the authorities of Afghanistan and international military forces because of their alleged association with armed groups, emphasizing the need for full respect for applicable international law.

9. The representative of Afghanistan:

(a) Welcomed the recommendations contained in the second report of the Secretary-General on children and armed conflict in Afghanistan and reiterated the commitment of the Government of Afghanistan to fully cooperate with the Working Group and relevant bodies of the United Nations to implement the Action Plan as well as all relevant Security Council resolutions concerning the protection of children;

(b) Noted that since the issuance of the first report on children and armed conflict (S/2008/695), Afghanistan had taken numerous measures to prevent child recruitment in its national security forces and to punish those who committed sexual violence against children, also noted the firm commitment of the Afghan Government to take necessary measures against the practice of *bacha baazi* and to bring perpetrators to justice, and noted further that according to existing Afghan laws, the recruitment of any soldier under the age of 18 was illegal, and any form of sexual violence against children was a crime punishable by law;

(c) Welcomed recent measures by international partners to protect civilians during military operations, and thereby safeguard the well-being of Afghan children;

(d) Stated that grave violence against children and civilian casualties had actually increased during the reporting period, due to continued attacks by the Taliban, Al-Qaida and other extremist groups;

(e) Expressed reservation concerning the terminology "all parties to the conflict" used in the Secretary-General's report, which had unjustly placed the Afghan National Security Forces on the same footing as terrorist groups, and expressed concern that the report relied on isolated cases which could not constitute a solid basis for identifying the Government of Afghanistan as an entity that had committed violations and abuses against children;

(f) Looked forward to working closely with the country task force on monitoring and reporting to ensure the successful implementation of resolution 1612 (2005), and urged the relevant agencies, including the United Nations Development Programme and the United Nations Children's Fund, to give special focus on addressing the broader socio-economic, governance and security issues.

10. Further to the meeting, and subject to and consistent with applicable international law and the relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

11. The Working Group agreed to address the following message through public statements issued by the Chairman of the Working Group:

To all armed groups mentioned in the report of the Secretary-General, specifically the Taliban, the Haqqani network, Hezb-i-Islami, Jamat Sunat al-Dawa Salafia, and the Tora Bora Front

(a) *Expressing its condemnation* in the strongest terms of the recruitment and use of children, in particular the training and use of children to commit terrorist attacks, suicide attacks, and all other violations and abuses committed against children in Afghanistan, including killing and maiming resulting, inter alia, from attacks in public places and/or the targeting of schoolchildren, particularly girls, abduction and sexual violence against children, as well as other use of force in contravention of international humanitarian law;

(b) *Expressing also* its condemnation in the strongest terms of the attacks against humanitarian actors;

(c) *Expressing deep concern* regarding the continued trend of killing and maiming of children in violation of applicable international law, and *reminding* them of their obligations under international law;

(d) *Urging them* to implement the previous conclusions of the Working Group on Children and Armed Conflict in Afghanistan (S/AC.51/2009/1);

(e) *Strongly urging* them to immediately halt the recruitment and use of children, and calling upon them to undertake a dialogue with the United Nations country team in Afghanistan to prepare, adopt and implement without delay action plans for the release of children and cease any new recruitment and use, and other violations and abuses, as called for in Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(f) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004), 1612 (2005), and 1882 (2009), verified by the task force on monitoring and reporting, is an important step for a party to conflict to take in order to be de-listed from the annexes of the report of the Secretary-General on children and armed conflict;

(g) *Also urging* them to take immediate and specific measures to put an end to and prevent the perpetration of sexual violence by members of their respective groups, in particular the practice of *bacha baazi*, to take measures so that perpetrators are brought to justice and to publicly declare an end to such practice;

(h) *Further calling upon* them to comply with the principles of international law and to recognize and maintain the neutrality and safety of schools and hospitals, including their personnel, as "zones of peace" and cease attacks or threats of attacks against those institutions;

To community and religious leaders urging them

(a) To renew their public condemnation and advocate to prevent the recruitment and use of children, in violation of applicable international law, in particular using them to commit terrorist acts; all other violations committed against children, including the killing and maiming of civilians, targeting schools and hospitals and sexual violence against children; and attacks against humanitarian personnel;

(b) To assist the Government of Afghanistan and the United Nations country team to implement the Action Plan and its annexes.

Recommendations to the Security Council

12. The Working Group agreed to recommend the following to the Security Council:

Letter to the Government of Afghanistan

(a) *Welcoming* the Action Plan and its annexes; and *urging* it to ensure that adequate resources are allocated for the effective implementation of the Action Plan, including by introducing legislation aimed at criminalizing the recruitment of children in armed conflict in contravention of applicable international law and ensuring that no impunity is granted for violations and abuses committed against children;

(b) *Further urging* it to ensure that the Afghan Peace and Reconciliation Programme can respond to the needs of children addressed in the Action Plan; and requesting the Government of Afghanistan to introduce child protection activities in its peace and reconciliation efforts with non-State actors and to implement its commitments under the Paris Principles and Commitments on the reintegration of children formerly associated with armed forces or armed groups;

(c) *Expressing concern* regarding sexual violence against children and encouraging the Government of Afghanistan to address, in cooperation with the United Nations country team and civil society organizations, ending impunity for perpetrators for such violations and abuses through advocacy, legislative and other appropriate measures;

(d) *Strongly encouraging* it to work closely with the country task force on monitoring and reporting to strengthen reporting under Security Council resolution 1882 (2009) on sexual violence against children as well as killing and maiming of children, and to ensure an appropriate and swift programme and accountability response for victims of such violations and abuses;

(e) *Further urging* the Government to ensure the rights of all children detained because of their alleged association with armed groups, regardless of the arresting authority, and to work on developing a notification procedure with the country task force on monitoring and reporting for all such children in its custody;

(f) *Recognizing* the progress made by the Government of Afghanistan in reducing the number of civilian casualties and urging the Afghan National Security Forces, supported by the international military forces, to take all feasible steps to ensure that international military forces deployed in Afghanistan comply fully with their obligations under international humanitarian law, in particular by taking all necessary precautions to minimize civilian casualties, including children, in military operations, and making robust efforts in this regard, notably by continuous review of tactics and procedures in order to help prevent civilian casualties;

(g) *Noting* the efforts of the Government of Afghanistan to strengthen the availability of education for children and requesting it to increase its efforts to protect schools;

(h) In line with the above, the Working Group stresses its intention to visit Afghanistan in the coming months to follow up on the progress made in the protection of children and to focus on the remaining challenges, such as the significantly increased number of attacks on schools and hospitals in Afghanistan in contravention of applicable international law by armed groups, in particular the Taliban.

Letter to the Secretary-General

(a) *Requesting* the Secretary-General to strengthen monitoring and reporting of the situation of children in Afghanistan, especially in areas most affected by the conflict, and, in that regard, to continue to strengthen the child protection component of the United Nations Assistance Mission in Afghanistan (UNAMA) through the appointment of child protection advisers in the Mission;

(b) *Also requesting* the Secretary-General to explore ways to ensure that the United Nations country team works in close consultation with the Government of Afghanistan and international military forces in order to support their efforts to minimize civilian causalities, in line with international humanitarian law;

(c) *Calling upon* the Secretary-General, through his Special Representative, to strengthen the exchange of information on the recruitment, training and use of children and to improve the reporting on circumstances where children are trained in order to be recruited and used by the Taliban and other armed groups in Afghanistan.

To the Security Council

(a) *Recommending* that the situation of children affected by armed conflict continue to be duly taken into account by the Council when discussing the mandate of UNAMA;

(b) *Requesting* that UNAMA support the Government of Afghanistan in the follow-up to the Action Plan to prevent the recruitment and use of children in the Afghan National Security Forces;

(c) *Inviting* the Security Council to communicate the present document to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

Direct action by the Working Group

13. The Working Group also agreed that letters should be addressed from the Chair:

To the leadership of the International Security Assistance Force (ISAF)

(a) *Recognizing* that the continuous review of tactics and procedures by ISAF has led to a significant reduction in the number of civilian casualties during military operations, and urging it to continue those efforts, while expressing deep concern about cases where civilian casualties, in particular child casualties, have occurred as a result of such military operations;

(b) *Urging* ISAF to cooperate with the Government of Afghanistan to ensure that the rights of all children detained because of their alleged association with

armed groups are respected, and to work on developing a notification procedure with the country task force on monitoring and reporting;

(c) *Welcoming* the appointment of a child protection focal point within ISAF to liaise with the task force on issues of child protection;

(d) *Also welcoming* the commitment of ISAF to assist the Government of Afghanistan to implement the Action Plan, particularly in strengthening age determination and vetting procedures, and prevention of recruitment activities, as well as to provide follow-up in the field.

To the World Bank and donors

(a) *Highlighting* the critical need to mobilize resources in support of the Action Plan to prevent the recruitment and use of children within the Afghan National Security Forces, as provided for under Afghan law, and requesting donors to advocate for funding for increased child protection;

(b) *Calling upon* the donor community to ensure that flexible and sustainable funding is available for the timely and effective implementation of the aforementioned Action Plan by the United Nations and the Government of Afghanistan. Such funding should also take into account adequate monitoring and reporting activities to ensure compliance with the Action Plan, including the deployment of monitors in remote conflict-affected areas.